
Words

Illegitimacy

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In most English dictionaries 'illegitimate' is defined as 'bastard' and 'bastard' is defined as 'illegitimate'. Etymology is not very helpful either. 'Bastard' is derived from an Old French word *ba(s)t* meaning 'baggage', this being also the origin of the word 'batman', which once meant 'baggage-man' or 'baggage-servant'. 'Bastard' is formed from 'ba(s)t' and '-ard', a suffix normally used to form derogatory nouns such as 'sluggard', 'drunkard', etc.

'So what?' (one might ask). 'Does this help us at all to understand the real *meaning* of illegitimacy?' No it doesn't, for by 'the meaning' here one intends the human significance. We can get a better idea of 'the meaning' of illegitimacy from *eg* Willie Hamilton MP, who, when speaking in the House of Commons on a Bill about legitimacy and illegitimacy (presented by Mr James White), broke down and wept as he described the poverty and ostracism suffered in childhood and youth by his wife, a girl born illegitimate.

But even the results of the legitimate-illegitimate distinction – including such results as poverty and ostracism – cannot give us the real *meaning* of illegitimacy. Illegitimacy is a notion much like the notion of slavery; or the notion of priesthood; or the notion of national identity. It is not enough to know the etymology of a word, and it is not enough, even, to know the social consequence of the distinctions marked out by words. We need also to know the *point* of the distinctions. Thus we need to know the *point* of the social distinction between *eg* 'slave' and 'free', or between 'priest' and 'layman', or between 'legitimate' and 'illegitimate', if we are to grasp the meaning of 'slave', 'priest', 'illegitimate', etc.

Most human societies distinguish between those born legitimately and those whose conception and/or birth breaks an important social rule. The content of the social rules which differentiate between licit and illicit birth is not a fixed thing, it varies between societies and between different times in history. Commonly the emphasis is on marriage, so that extra-marital birth is regarded as the prototype or paradigm of illegitimacy. In some societies it is incest, or adultery, or miscegnation, or intercourse

between persons of different religions, or different castes or different classes, which provides the prototype.

Illegitimacy, or the legitimate-illegitimate distinction, is a side-effect of the fact that human beings control the reproduction of their own species. The ways in which human beings control the reproduction of their own species are more varied than the ways in which they control the reproduction of other animals and the reasons or motives are different. However there are a few points of similarity. Human beings control the reproduction of their farm animals and domestic pets by separating the males from the females, by castration, by killing the superfluous young, by artificial insemination, and by culling the adult animals. The point of these activities is simply to control the numbers of animals in accordance with human needs and wants, *ie*, in accordance with the human need for work animals, for domestic pets, for meat and milk, and for foods that human beings and other species compete for.

Human control of human reproduction is exercised by a mixture of physical means and ideology. The physical means include (as with animals) the separation of the sexes (in schools, prisons, workhouses, convents, etc.), abortion, contraception, and infanticide. Historically infanticide has generally meant killing the female young, rather as pet-owners will kill female kittens, but killing infants born illicitly is also a not uncommon human practice.

However the ideology of reproduction-control, and the ideological means of control, are of far more significance than the physical means, since they reflect the fact that the point of controlling human reproduction is quite different from the point of controlling animal reproduction.

It would not be altogether paradoxical to say that the fundamental form of birth control is marriage and marriage law, since it is marriage which determines who shall reproduce the species and when. For example, in polygamous societies it can be the case that rich men, or men of royal blood, beget almost all the children while slaves or the very poor beget very few. Again, countries (like Ireland) where celibacy is not frowned upon and where the marriage age is late have different patterns of population growth from those in which marriage is universal and early. Marriage law and marriage

customs cover a wide range of rules, involving such matters as age of marriage, caste laws, class, the relationships between races and religious groups, incest, cousin-marriage, etc.

The overall point of marriage law and custom is not to control numbers, though this may sometimes be one of the side-effects. Marriage law controls birth for the purpose of organising human society into families, kin-groups, lineages and nations, and this organisation in turn provides the means whereby one generation rears and educates the members of the next. Since these matters are of very profound importance it is not hard to understand why traditionally a child born outside the rules carried a heavy stigma or was even, in some places, actually put to death. In modern times a large proportion of abortions carried out are carried out on women who are not married, which shows that society still regards births which happen in contravention of the rules as unfortunate if not actually illicit, and to be prevented if possible. It could be argued that legalised abortion now fulfils the social function which in earlier times was fulfilled by stigma.

Kinship is a profoundly important human institution and is the foundation of many other institutions, *eg*, caste, class, nationhood and inheritance (of property, skills, jobs). Marriage law may vary almost infinitely but since it is what enables the human race to organise itself into kin-groups, and to classify kin-relations, it seems very unlikely that a society could develop which entirely lacked this particular type of birth control.

In this century anxiety about rapid population growth has been added to the traditional (organisational) reasons for controlling birth. In some countries there are signs that the notion of illegitimacy, of illicit birth, is stretching and may one day cover births which in the judgment of the State or State authorities count as superfluous. During the birth control campaigns carried out in India by the late Sanjay Ghandi it was suggested that it might be a good idea to count the fourth and subsequent children of correctly married couples as illegitimate, altering property law and inheritance law to mesh with this re-classification. The idea seems to have been dropped. More recently it was reported that in China:

the 'one is fine' . . . campaign that advocates single-child families has run into deeply rooted resistance . . . in order to have a second child a woman must run the gauntlet of intimidating interviews with her

unit leader and risk the opprobrium of her peers for the chance to take her turn in the unit's pregnancy rota. For the birth of a second child is becoming an act of political defiance.

The report continued with a story about a peasant woman who wished:

to continue a second pregnancy despite strong pressure from a unit leader to abort . . . she was eventually forced to have her illegal child in the fields . . . the unit leader followed her and strangled the newborn. In revenge the mother went to his home and strangled all three of his children with a piece of wire (2).

This story is so horrible one hopes it is not true in spite of its appearance in a reputable newspaper.

There are important moral issues connected with illegitimacy, on which I comment only briefly. First it seems obvious that the human need to organise the human race into kin-groups is a permanent need; hence the control of reproduction is a permanent need. The organisation of human beings into kin groups requires rules, and the existence of rules generates the notion of illegal or illicit birth. However the stigma associated with illegitimacy is probably not a necessity, since it should be possible to encourage people to keep the rules without stigmatising their children. Stigma is unfair and inhumane. Second, it is unimaginative, to say the least, lazily to suppose that there is nothing worse than stigma. It seems obvious that infanticide is not more fair or more humane, and arguable that automatic abortion of illicit conceptions is not based on any more solid principle than the original stigma. Third, it is not self-evident that over-population is going to be a permanent feature of the world. The human race should avoid binding itself with rules (especially rules of an inhumane character) which may well outlive their own apparent reasonableness. Humane people who are sensitive about stigma ought to be sensitive about *any* cure which is worse than the disease.

References

- (1) *The Children Act 1979* (James White's Bill). It was intended to abolish the status of illegitimacy but has not become law.
- (2) Supplement on China: Birth control. *The Times* 1981 Sept 4: 9.